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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,435	09/20/2005	Douglas McBain	OMNZ 2 00039 US	9981

7590 09/03/2008  
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EXAMINER
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LIU, XUE H

ART UNIT	PAPER NUMBER
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4111

MAIL DATE	DELIVERY MODE
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09/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,435	<b>Applicant(s)</b> MCBAIN ET AL.	
	<b>Examiner</b> XUE LIU	<b>Art Unit</b> 4111	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/20/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-9, drawn to a molding apparatus for in-mold coating molded articles in a plurality of mold cavities comprising a first composition injector fluidly connected to the plurality of mold cavities for injection molding articles therein, and a second composition injector fluidly connected to the plurality of mold cavities for in-mold coating molded articles in the plurality of mold cavities.

Group II, claim(s) 10-16, drawn to a molding apparatus for in-mold coating molded articles in a plurality of mold cavities comprising a means for injection molding articles in the plurality of mold cavities and a means for in-mold coating the molded articles in the plurality of mold cavities.

Group III, claim(s) 17-19, drawn to a method for in-mold coating molded articles in a plurality of mold cavities.

2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the common technical feature in all groups is in-mold coating molded articles in a plurality of mold cavities. This element cannot be a special technical feature under PCT Rule 13.2 because the element is shown in the prior art. JP 09 039024 teaches a method and apparatus for in-mold coating molded articles in a plurality of mold cavities (17).

3. During a telephone conversation with Erik Overberger on August 25, 2008 a provisional election was made without traverse to prosecute the invention of group I, claims 1-9.

Affirmation of this election must be made by applicant in replying to this Office action. Claims

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10-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### ***Specification***

5. The disclosure is objected to because of the following informalities: in paragraph [0024], "a nozzle or resin outlet of first injector 30" is incorrectly referred to as reference number 42 in Fig. 1. The correct reference number for the nozzle or resin outlet of the first injector 30 should be 46.

Appropriate correction is required.

#### ***Claim Objections***

6. Claims 5-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternatives only and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keiji (JP 09 039024 A with English Abstract and Computer Translation) in view of Bethune (2003/0038407). Regarding claim 1, Keiji teaches a molding apparatus comprising mold members (1, 2) defining a plurality of mold cavities 17, a first composition injector 9 fluidly connected to the plurality of mold cavities 17 for injection molding molded articles therein, and a second composition injector 10 having nozzles 6 fluidly connected to each of the plurality of mold cavities 17 for in-mold coating the molded articles in the plurality of mold cavities 17, the mold members (1, 2) and the injectors (9, 10) configured to injection mold and in-mold coat molded articles in the mold cavities 17 (see figures 1 & 2). As shown in figures 3-5, the mold members (1, 2) remain a fixed distance apart relative to one another during and between injection molding and in-mold coating. While Keiji does not teach a second composition injector with a single nozzle, Bethune teaches a second composition injector with a single nozzle 4 fluidly connected to a plurality of mold cavities 5 for in-mold coating the molded articles in the plurality of mold cavities 5 (as shown in fig. 1, 4, and 7). It would have been obvious to one of ordinary skill in the art to modify the second composition injector disclosed by Keiji to have a single nozzle only since Bethune shows that one nozzle is sufficient to provide in-mold coating to a plurality of mold cavities. Regarding claim 2, Keiji teaches a sprue passageway 18 fluidly connected to the first composition injector 9 and a runner section 23 fluidly connected to the sprue passageway 18 and the plurality of mold cavities 17 (see fig. 1-2).

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9. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keiji (JP 09 039024A) and Bethune (2003/003807) as applied to claim 2 above, and further in view of Taiichiro (JP 2002 240087 A with English Abstract and Computer Translation).

Regarding claim 3, Keiji teaches that the runner section 23 is fluidly connected to each of the plurality of mold cavities 17 (as shown in fig. 2). Keiji fails to teach the runner section to include a plurality of portions fluidly connected to each of the plurality of mold cavities at a plurality of inlet orifices, however, Taiichiro teaches a plurality of injecting apertures 33a to 39a in fig. 1a and 2a. Therefore, it would have been obvious to one of ordinary skill in the art to provide additional inlet orifices in the molding apparatus as disclosed by Keiji since Taiichiro teaches that the plurality of coating inlets allows for coating the molded articles with different coating layers and facilitates easy and uniform spreading of the coating in paragraphs [0013] to [0018] of the machine translation.

Regarding claim 4, Keiji teaches that the runner section includes a tapered portion adjacent the inlet orifices for allowing relatively easy removal of thermoplastic material formed in the runner section 23 from the molded articles formed in the plurality of mold cavities 17 (see fig. 2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XUE LIU whose telephone number is (571)270-5522. The examiner can normally be reached on Monday to Thursday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Yao can be reached on (571)272-1224. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 28, 2008

/X. L./

Examiner, Art Unit 4111

/Naeem Haq/

Supervisory Patent Examiner, Art Unit 4111